UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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NOV 27 2013

Ref: EPR-N

Kristin Yannone
Project Manager
Bureau of Land Management
Lander Field Office
1335 Main Street
Lander, WY 82520

Re: Final EIS Gas Hills In-Situ Uranium Recovery Project Fremont and Natrona Counties, Wyoming
CEQ#: 20130307

Dear Ms. Yannone:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Bureau of Land Management's (BLM's) Final Environmental Impact Statement (EIS) for the proposed Gas Hills In-Situ Uranium Recovery (ISR) Project. Our comments are provided for your consideration pursuant to our responsibilities as an informal cooperating agency and our authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C) and Section 309 of the Clean Air Act (CAA), 42 U.S.C. Section 7609.

We appreciate that the BLM addressed many of our Draft EIS comments, as well as comments we made during review of the preliminary Final EIS. The EPA supports the BLM's efforts to incorporate into the BLM's Preferred Alternative many of the mitigation measures identified in the Resource Protection Alternative. We also appreciate the additional information provided in the Final EIS on the deep well disposal option for waste water management. The information is as current as the permitting agencies have made available at this time.

The Preferred Alternative adopts all options for handling the wastewater from the facility: solar evaporation ponds alone, a combination of solar evaporation ponds with forced evaporation and crystallization equipment, or a combination of UIC injection wells and solar evaporation ponds. The EPA considers ISR evaporation ponds to be subject to 40 CFR Part 61 Subpart W and continues to believe that for the wastewater management options that operate more than two ponds at a time, the regulatory requirements of 40 CFR Part 61 Subpart W will not be met. The EPA also believes that solar evaporation rates alone will not keep up with the generation of wastewater after the sixth year of the project when the maximum production rate

and the aquifer restoration rate combine for 445 acre-feet of wastewater disposal requirements. We appreciate the acknowledgement of this concern with the new language addressing EPA regulatory requirements in the body of the Final EIS in Section 2.3.1.2. We also appreciate the additional explanation provided in Section 2.6.4 regarding the option of reducing the number of evaporation ponds so that the deep disposal wells are the primary waste water management option with fewer ponds serving as back-up when the wells are not available. The additional information in the Final EIS results in an adequate analysis of the impacts from the full range of wastewater management options.

The EPA appreciates the BLM adaptive management strategy to prevent adverse particulate matter impacts. The Final EIS acknowledges that there is potential to exceed the NAAQS if multiple activities (construction, operation, reclamation) occur in close proximity during the same period of time (Section 4.1.2.2). The EPA generally agrees with BLM that applicant-committed mitigation as well as permitting requirements under WDEQ-AQD (Table 1-2) would reduce impacts from fugitive dust. In Section 4.1.2.3, the Final EIS acknowledges that greenhouse gases from natural gas combustion may increase with the use of forced evaporation and crystallization equipment for wastewater disposal under the Preferred Alternative, but the Final EIS does not analyze the impacts of these combustion emissions. As we have discussed, the EPA believes it is feasible to quantify this increase in criteria pollutants, hazardous air pollutants, and greenhouse gas emissions, and doing so would have resulted in a more thorough analysis.

Including an adaptive management strategy in the project planning process can be extremely valuable in situations where the modeling conducted for NEPA is incomplete or contains uncertainties in the predicted impacts. The required Annual Development Plan (ADP) and reporting from the facility operator to the BLM is a good example of an adaptive management plan to inform the BLM of changes in the environmental conditions on a timely basis. We suggest that a strategy be included in the Record of Decision (ROD) that would provide for actions to be taken under a contingency plan should high dust events occur. If the ROD does not outline steps to be taken under a contingency plan, we suggest that the ROD indicate that a goal of the ADP will be to provide a baseline for approving changes to the Plan of Operations and for proposing additional adaptive management measures to respond to unexpected adverse impacts from operations.

We hope that these comments will assist you in finalizing the ROD. We appreciate the opportunity to review and comment on the Final EIS. If we may provide further explanation of our comments, please contact me at 303-312-6925, or your staff may contact James Hanley, at 303-312-6725.

Sincerely,

Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation